
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 155

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

PART 8

Certificates of lawful use or development

Procedure on receipt of application

44.—(1) When a planning authority receive an application to which regulation 42 applies and any fee required to be paid in respect of the application, they must, as soon as reasonably practicable, send to the applicant an acknowledgement of the application.

(2) Where, after sending an acknowledgement as required by paragraph (1), the planning authority consider that the application is invalid by reason of the failure to comply with regulations 42 and 43 or any other statutory requirement, they must, as soon as practicable, notify the applicant that the application is invalid.

(3) The planning authority may by notice in writing require the applicant to provide such further information as may be specified to enable them to deal with the application.

(4) The planning authority must give the applicant written notice of their decision within a period of 2 months beginning with the date of receipt by the authority of—

- (a) the application; or
- (b) if later, any fee required to be paid in respect of the application.

(5) Where an application is refused in whole or in part (including a case in which the authority modify the description of the use, operations or other matter in the application or substitute an alternative description for that description), the notice of decision must be in writing and must—

- (a) state the authority's reasons for their decision; and
- (b) include a statement to the effect that the applicant may appeal to the Scottish Ministers under section 154 of the Act (appeals).

(6) A certificate under section 150 or 151 of the Act is to be in the form set out in Schedule 8.

(7) Regulation 31 applies to applications for a certificate to which regulation 42 applies as it applies to applications for planning permission.